

S 1768.

Anno Regni GEORGIJ, Secundi, Regis, Duodecimo.

Bills of Credit.

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Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the Thirty-first Day of *May* 1738. And continued by Prorogations unto Wednesday the Twenty-ninth Day of *November* following.

CHAP. XII.

An Act for better securing the Value of the Bills of publick Credit on this Province.

**W**HERE *A* Stbe Emission of great Quantities of Bills of publick Credit, without certain Provision for their Redemption by lawful Money in convenient Time, have already stript us of all our Money and brought them into Contempt, to the great Scandal of the Government; and for the Remedy thereof, this Province have fixed the Value of their Bills in lawful Money, and the Time of their Redemption in One thousand seven hundred and forty one; yet the neighbouring Governments, whose Bills have been received by the Inhabitants of this Province promiscuously with our own, have taken no Care to fix any certain Value on theirs, and by that Means our good Intention may be frustrated, unless special Provision in this Case be made:

Be it therefore enacted by his Excellency the Governor, Council & Representatives in General Court assembled, and by the Authority of the same,

That no Person shall hereafter utter, or offer to put off, take or receive any Bill or Bills of Credit on any of the neighbouring Governments, that since the first of *May* last have been, or hereafter shall be emitted, unless they are made redeemable by lawful Money upon good Security, (and it so appear by the Tenor, and upon the Face of the Bill) within ten Years after their first Emission, on Pain of forfeiting Ten Pounds for every such Bill so uttered or offered to be put off, or taken, or received in Payment of any Debt, Purchase of any Goods, or for any valuable Consideration whatsoever, to be

Preamble.

Persons forbidden to pass or receive Bills on the Neighbouring Governments, issued since May 1738.

Penalty.

**Abſconding Debtors.**

be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record; one half to the Use of him that shall inform and sue for the same, and the other half to the Use of the Poor of the Town where the Offence shall be committed.

Encourage-  
ment to the  
Informer.

**And be it further enacted,** That any Person that shall utter or receive any of the Bills aforesaid, and shall first inform against, and prosecute the other Party concern'd therein, so that he be convict of uttering or receiving such Bills, the said Prosecutor or Informer shall be indemnified from the Penalty in this Act, and shall likewise be intitled to one half of the Forfeiture as before expressed.

Provido.

*Provided,* That all Suits or Prosecutions for any Breaches of this Act shall commence within twelve Months from the Time the Offence is committed.

*This Act was Published, Jan. 13. 1738.*

C H A P. XIII.

**An Act to enable Creditors to receive their just Debts out of the Effects of their absent or absconding Debtors.**

Preamble.

**FOR** the better preventing of Frauds and Deceit too often Designed and Practised by ill-minded Debtors, in Betrusting and Depositing their Goods and Effects in the Hands of others, with Intent to reserve and secure them to their own Use, and defeat their Creditors of their just Dues, withdrawing themselves out of the Government, and not being Inhabitants within this Province, and their Goods and Effects concealed, so as they cannot be Attached or made liable to the Payment of their Creditors, by the ordinary Process of Law;

Goods & Ef-  
fects of Ab-  
sent & Ab-  
sconding  
Debtors to  
be attached.

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

And subject  
to Execution.

That it shall and may be lawful to and for any Creditor to cause the Goods or Effects of his absent or absconding Debtor, not residing within this Province, to be Attached, in whose Hands or Possession soever the same are or may be found: And the attaching of any Part thereof shall secure, and make the whole, that is in such Persons Hands, liable in the Law to respond the Judgment to be Recovered upon such Process, if so much there be, and no further; and shall be subjected to be taken in Execution for Satisfaction thereof, or so far as the Value thereof will extend; and the Person in whose Hands they are shall expose them accordingly.

Agent, &c.  
of an Absent  
Debtor to be  
summoned  
to Court, in  
case no Ef-  
fects appear.

**And be it further enacted by the Authority aforesaid,**

That where no Goods, Effects or Credits of an absent or absconding Debtor in the Hands of his Attorney, Factor, Agent or Trustee shall be exposed to View, or can be come at, so as to be attached, it shall and may be lawful to and for any Creditor to file a Declaration against his absent or absconding Debtor in the Clerks Office of the Inferiour Court of Common Pleas in the same County where such Creditor lives, therein particularly setting forth his Debt and Damage, how and for what Cause it arises; and to cause the Attorney, Factor, Agent or Trustee of such absent or absconding Debtor to be served with a Summon out of the Office, annexed to the said Declaration, fourteen Days before the Sitting of the Court, for his Appearance at such Court; which being duly served, and return thereof made under the Officers Hand, shall be sufficient in the Law to bring forward a Tryal, without other or further Summons; unless the Debtor be an Inhabitant, or

Trial there-  
upon to be  
had:

# Abfconding Debtors.

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or hath for some Time had his Residence within this Province, in which Case a like Summons, with an attested Copy of the Declaration annexed, shall also be left at his Dwelling House, Lodging or Place of his last and usual abode And such Attorney, Factor, Agent or Trustee, upon his Desire shall be admitted to defend the Suit, on Behalf of his Principal, throughout the Course of the Law; and an Imparance shall be granted of course, at three Courts successively, that he may have Opportunity to notify his Principal thereof; and at the fourth Term, without special Matter alledged and allowed in Bar, Abatement or further Continuance, the Cause shall peremptorily come to Tryal. And if Judgment be rendred for the Plaintiff, all the Goods, Effects or Credits of the Debtors which are in the Hands of such Attorney, Factor, Agent or Trustee to the Value of such Judgment (if so much there be) shall be liable and subjected to the Execution granted upon such Judgment, for or towards satisfying the same. And from the time of serving the Summons as aforesaid, shall be liable and secured in the Law in his Hands to answer the same, and may not be otherwise disposed of, or converted.

Three Imparances to be granted.

Goods in such Agents hands subject to Execution on a Judgment.

AND in Case any Attorney, Factor, Agent or Trustee from and after the Time of his being served with Summons and Declaration as aforesaid, against his Principal (being an absent or abfconding Debtor) shall transfer, remit, dispose of, or convert any of the Goods, Effects or Credits of such Debtor in his Hands at the time of such Service, so that there shall not be sufficient to satisfy the Judgment, the Debt being afterwards ascertained by Judgment of Court; or that shall not discover, expose and subject the Goods or Credits of the Debtor in his Hands, to be taken in Execution for or towards the Satisfaction of the Judgment, so far as what is in his Hands will extend, shall be liable to satisfy the same of his own proper Goods and Estate, and as of his own Debt: And a Writ of *Scire Facias* may be taken out of the same Court and served upon him, as the Law directs, to appear and shew Cause (if any he have) to the contrary: Where upon Default of Appearance or Refusal to disclose upon his Oath (which Oath the Justices of such Court are impowered to administer) what Goods, Effects or Credits of the Debtor are in his Hands, and to what Value, and to expose and subject the same to the Execution granted upon the principal Judgment, if any Goods, Effects or Credits be in his Hands; then Judgment shall be entred up against him of his own proper Goods and Estate, and Execution be awarded accordingly.

Execution to be levied on Agents proper Goods & Estate, in case

Agent to be put on Oath,

*Provided nevertheless,* That if the Person so summoned as aforesaid, had or have not any Goods, Effects or Credits of the Debtor in his Hands, nor any ways remitted, disposed of, or converted the same, from and after the serving of the first Summons; the Party who commenced the Suit, shall pay and satisfy the reasonable Cost and Charges occasioned to such Person, to be taxed in common Form by the Justices of the Court.

Proviso:

**And be it further enacted by the Authority aforesaid,**

That the Goods, Effects or Credits of any absent Debtor, so taken as aforesaid, by Process and Judgment of Law, out of the Hands of his Attorney, Factor, Agent or Trustee by any of his Creditors shall fully Acquit and for ever Discharge such Attorney, Factor, Agent or Trustee, his Executors or Administrators, of, from and against all Actions and Suits, Damages, Payments and Demands whatsoever, to be asked, commenced, had, claimed or brought by his Principal, his Executors or Administrators, of and for the same. And if any Attorney, Factor, Agent or Trustee shall be molested, troubled or sued by his Principal, for any thing by him done in Pursuance of this Act, he may plead the general Issue, and give this Act in Evidence.

Agent to be acquitted & discharged.

*Provided,* This Act shall continue in Force for the Space of Ten Years Limitation from the Publication thereof, and no longer.

CHAP.

An Act to prevent neat Cattle and Horses running at large and feeding upon the Beach adjoining to the Eastern Harbour Meadows in the Township of Truro in the County of Barnstable.

Preamble.

*WHEREAS* there is a certain Tract or Parcel of Meadows, called Eastern Harbour Meadows in the Town of Truro, on which many of the Inhabitants of said Town yearly depend for their Hay; and the said Meadow lies adjoining to a long sandy Beach, on which no Fence can be made to stand, and by reason of Cattle and Horses being turned thereon to feed, the Beach Grass is destroyed; and by reason thereof in Storms and high Winds, the Sand is driven from off the Beach upon the Meadows, and a great Part of the Meadow is already buried with the Sand and become useless for Grass, and the whole of said Meadows are likely to be covered with Sands, if not timely prevented; and the Proprietors of said Meadows have addressed this Court for relief in the Premises;

Horses and Cattle not allowed to feed on Truro Beach

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

Penalty.

That from and after the Publication of this Act, no Person shall presume to turn or drive any neat Cattle or Horses upon the said Beach to feed there, or leave them at large between said Meadows and Province-Town Bounds, upon the Penalty of *Forty Shillings* a Head for all neat Cattle, and for every Horse or Mare so turned upon said Beach to feed; which Penalties shall be recovered by any one of the said Proprietors, or their Agents thereunto lawfully authorized: The one half of the said Forfeiture to be to him or them that shall inform and sue for the same, and the other Half to be to and for the Use of the Poor of the Town of Truro.

Such Horses may be impounded.

And be it further enacted by the Authority aforesaid,

And sold in Case.

That it shall and may be lawful to and for any of the Owners or Proprietors of the said Meadows, if they shall find any Cattle or Horse-kind feeding upon the Beach or Meadows aforesaid, to impound the same, and to give publick Notice thereof in the said Town, and the two next adjoining Towns, and shall relieve said Creatures while impounded with suitable Meat and Water: And if the Owner thereof appear, he shall pay *Ten Shillings* Damage for each Head of neat Cattle or Horse-kind so impounded, and Costs of impounding the same: And if no Owner appear within the Space of six Days to redeem the said Cattle or Horse-kind so impounded, and to pay Damage and Costs occasioned by impounding the same, then and in every such Case the Owner or Proprietor of said Meadow impounding such Cattle or Horse-kind, shall cause the same to be Sold at publick Vendue, for Payment of the Damage sustained by reason of such Cattle or Horse-kind feeding upon the Beach or Meadow aforesaid, as also to pay the Costs and Charges arising about the same, (publick Notice of the Time and Place of such Sale being given *Forty-eight* Hours before hand) and the Overplus (if any be) arising by such Sale to be returned to the Owner of such Cattle or Horse-kind at any Time within twelve Months next after, upon his demanding the same; but if no Owner appear within the said twelve Months, then the said Overplus shall be one Half to the Party impounding, and the other Half to the Use of the Poor of said Town of Truro.

Limitation.

This Act to continue and be in Force for the Space of Five Years from the Publication thereof, and no longer.

CHAP.

Chelsea a Township.

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CHAP. XV.

An Act for erecting all the Lands within the Town of Boston, lying on the Northerly and North-easterly Side of the Harbour, (heretofore called *Winnisimet, Rumney-Marsh* and *Pullin-Point*) contained in a Division or District of said Town's, called Number *Thirteen* (excepting *Noddle's-Island* and *Hog-Island*) into a distinct and separate Township by the Name of *Chelsea*.

WHEREAS the Inhabitants of the Town of Boston, that dwell in the District called *Winnisimet, Rumney-Marsh* and *Pullin-Point*, lying on the Northerly and North-easterly Side of the Harbour, have represented to this Court, that they labour under great Difficulties by reason of their Remoteness from the Body of the said Town, and separated by the River that renders their Attendance on Town Meetings very difficult; And whereas they have a long Time since erected a Meeting House for the publick Worship of God in that District, and have addressed this Court that they may be set off a distinct and separate Township;

Preamble

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

*Rumney-Marsh* &c. constituted a Town, by the Name of *Chelsea*.

That all the Land within the Town of Boston, that lye on the Northerly and North-easterly Side of the Harbour, and which heretofore were contained in that District of said Town's called *Winnisimet, Rumney-Marsh* and *Pullin-Point*, or otherwise called Number *Thirteen* (excepting only the said Islands called *Noddle's-Island* and *Hog-Island*) be and hereby are set off and constituted a separate and distinct Township by the Name of *Chelsea*. The Bounds whereof being as follows, viz. Southerly on the Harbour, Westerly on *Malden Line*, beginning at the Mouth of *Malden Creek*, which Creek is the Bounds as far as an Island called *Moulton's Island*, to a Stake and Heap of Stones on the Salt Marsh, about twenty Feet from the River, at a little Distance from the aforesaid Island, and whereon the Widow *Mitchell* now dwells; and from thence East North East a cross the Marsh to a Stake standing in the Wall, dividing *Whittemore's* and *Daniel Watts's* Land, about forty Feet from said Marsh; and from thence on the Hill to a Stake standing in the Wall of the aforesaid Division Fence of *Whittemore* and *Watts*; and from thence to a Stake in the Widow *Sergeant's* Land, marked B M with an Apple Tree standing by it, on the West Side of a Stone Wall; from thence to a large white Oak Tree standing at the North East of the aforesaid Widow *Sergeant's* Land; from thence to a large old white Oak Tree in *Thomas Pratt's* Land marked B M; from thence to a Stake, with an Heap of Stones about it, in said *Pratt's* Land; from thence to a Stake, with an Heap of Stones about it, in the Country Road, against the South West Corner of Judge *Dudley's* Farm; from thence to a white Oak Tree at the North East Corner of *Simon Grover's* Orchard; from thence North East and by North to a Stake, with an Heap of Stones about it, in Captain *Oliver's* low Land; from thence over the Creek to a small white Oak Tree in Captain *Oliver's* Land, now in the Possession of *John Lathe*; from thence to a Stake on the West Side of the Road, at the North or North West Corner of the Barn of the aforesaid *John Lathe*; from thence over the Bridge a-cross the Country Road up a great Hill of Rocks behind the House that *Black Jack* dwells in, to an old Pitch Pine Stump with an heap of Stones about it, also a young

Bounds of said Town.

Pitch Pine Tree standing close by it marked B M; from thence to a Cedar Stake with a heap of Stones about it, by Mr. Breeden's Fence; from thence to a black Oak Stump in the South East Corner of *Lemuel Jenkins's* Land; from thence to a black Oak Tree marked B M standing in the Division Line between *Jenkins* and *Breeden's* Land; from thence to a white Oak Stump standing in a Valley in the South West Corner of *Berry's* Land; from thence to a Walnut Tree standing in the Division Fence between *Berry's* and *Jenkins* marked B M; from thence to another Walnut Tree standing in said Division Fence on the South Side of an Hill; from thence to two old Stumps with an heap of Stones between them, in the North West Corner of *Berry's* Land; from thence to an heap of Stones on the South Side of an Hill between *Breeden's* and *Jenkins's* Land; from thence to an heap of Stones on a great Hill on a Rock; from thence to an heap of Stones between *Ezekiel Jenkins* and *Robert Emmes* Land; from thence to an heap of Stones on a great Rock; from thence over the Hill to a hollow Walnut Tree with two Holes cut in it marked B M with a Heap of Stones about it; from thence to an old black Birch Tree standing in a Swamp marked B M; from thence to an Elm Stump with an heap of Stones about it; from thence to an heap of Stones on a Knole; from thence to an old white Oak Tree on the North Side of Long Pond, marked B M; from thence to an heap of Stones on a Hill in *Thomas Douglass's* Land; from thence to a black Oak Tree on a Hill by the Side of a Wall marked B M; from thence to a Stump by the Side of a Wall, with a small Oak Tree by it marked B M; from thence to a white Oak Stump by the Side of *Squire's* Brook; from thence to a white Oak Tree marked B M; from thence to a Stake on a Hill with an heap of Stones about it marked B R M, being the antient Boundary between *Boston*, *Reading* and *Malden*. And is bounded upon *Reading* as follows, viz. Beginning at the aforesaid Stake on the Hill called *Tear-Britch-Hill*; from thence North West and by North to an heap of Stones on a Rock; from thence to an heap of Stones round an old Stump; from thence to a black Oak Tree marked B R; from thence to an old Maple Stump in *Ebenezer Nichols's* Orchard; thence to an heap of Stones on the Side of an Hill; from thence to another heap of Stones on the Side of an Hill; and from thence running North East and by East a-cross Low Meadow Land to an heap of Stones on an Hill; from thence to another heap of Stones within Sight of the three County heap; from thence to the three County heap of Stones, which is the antient Boundary between *Boston*, *Reading* and *Lynn*. And is bounded upon *Lynn* as follows, viz. Beginning at the antient bound Mark *Brides* Brook, where it runs across the Road; and from thence to an heap of Stones on a Rock in *Baker's* Field; from thence to an heap of Stones by a small Walnut Tree marked B L in *Baker's* Pasture; from thence to a small black Oak stump with a heap of Stones in a Pasture formerly *Mariam's*, now in the Possession of *Jonathan Wait*; from thence to a black Oak Tree on a little Hill marked B L with an Heap of Stones in Mr. *Cheevers's* Land; from thence to a white Oak stump with an heap of Stones near a small white Oak Tree marked B L in said *Cheevers's* Land; from thence to an heap of Stones on a Rock in said *Cheevers's* Farm, from thence to a white Oak marked B L with an heap of Stones in a little Swamp; from thence to an heap of Stones on a flat Rock; from thence to an heap of Stones; from thence to a crotched Tree marked B L in the Wall between *Cheevers* and *Boardman's* Land, and so the Line runs across a small Rivulet, and to the Door of the House of the said *Boardman's* which is marked B L and so through the stack of Chimnies in said House; from thence across a small Brook to a stump of a Walnut Tree with an heap of Stones in said *Boardman's* Field; from thence to a Walnut Tree marked B L on the South side of an Hill near *Felt's* House; from thence to a Rock with an heap of Stones in Land called the Six hundred

Hardwicke a Township.

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*dred Acre Right*; from thence to a black Oak marked B L with an heap of Stones; from thence to an heap of Stones; from thence to a Tree marked B L with an heap of Stones; from thence to an heap of Stones near a Walnut Tree; from thence to a Walnut Tree marked B L with an heap of Stones; from thence to a small red Oak marked B L with a heap of Stones; from thence to an heap of Stones on the side of an Hill; from thence to an old large white Oak marked B L with an heap of Stones; from thence to the great heap of Stones called the three County Heap (about four Rod and an half from the said Tree) that being the antient Boundary between the Towns of *Boston, Lynn and Reading*. And is further bounded Northerly on the Salt Water Creek and Easterly on the Sea and Pullin Point Gut.

**And be it further enacted,** That the Inhabitants of said Town be and hereby are accordingly endowed and vested with all Powers, Privileges, Immunities and Advantages which the Inhabitants of any other Towns in this Province by Law have and enjoy.

Privileges of the Town

C H A P. XVI.

An Act for erecting a Plantation in the County of *Worcester*, called *Lambstown*, into a Township by the Name of *Hardwicke*.

**WHEREAS** the Plantation of *Lambstown*, so called, in the County of *Worcester* is competently filled with Inhabitants, who labour under divers Inconveniences and Difficulties for want of a Power of enjoying and exercising Town Privileges among them, and have addressed this Court setting forth the same and praying for Relief therein;

Preamble.

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

That the said Plantation of *Lambstown*, inclusive of the additional Grant, lying and being on both sides *Ware River*, as the same is hereafter bounded and described, be and hereby is constituted and erected into a separate and distinct Township by the Name of *Hardwicke*. The Bounds of said Township being as follows, *viz* Beginning at the East Bank of *Ware River* at the North West Corner of a Tract of Land laid out to *James Hevey*, from thence extending Southerly as that Line runs to *Brookfield Bounds*, and from thence Easterly as *Brookfield Bounds* run to the South Westerly Corner of *Brantry* six thousand Acres, and from thence extending North Westerly bounding North Easterly on said six thousand Acres till the Line comes to *Ware River*, and so over the River the same Course till it comes to the Corner of *Brantry Grant* and there strikes on *Rutland Line*, then running North thirty nine Degrees West, seventeen hundred and sixty Perch, then South forty Degrees West, eighteen hundred Perch, then South one Degree thirty Minutes West, one thousand and thirty Perch, then East two Degrees thirty Minutes North, one thousand and five Perch to *Ware River*. And that the Inhabitants thereof be and hereby are vested and endowed with equal Powers, Privileges and Immunities which any of the Inhabitants of any of the other Towns in this Province are or by Law ought to be vested with.

A new Town constituted by the Name of *Hardwicke*.

Bound thereof.

Privileges of the Town.

*Provided nevertheless*, That the Inhabitants of said Town do within three Years from the Publication of this Act erect and finish a suitable and convenient Meeting House for the publick Worship of God among them, they having already an orthodox Minister settled among them.

Proviso.

CHAP.

C H A P. XVII.

An Act in addition to an Act for the Relief of and to prevent the Oppression of Debtors.

Preamble

WHEREAS the Merchandize, Trade and Business of New-England, hath for many Years past, till this Time, been managed by Bills of publick Credit, as well on the neighbouring Governments as on this Province; which have by Courtesy promiscuously served as a Medium of Exchange, and have been alike universally paid in all Payments;

Bills of the neighbouring Governments to answer Specialties to the Creditor being an Inhabitant of such Government.

Saving.

Be it therefore enacted by his Excellency the Governour, Council & Representatives in General Court assembled, and by the Authority of the same, That no Inhabitant of this Province for any Debt heretofore contracted, or hereafter to be contracted, with any of the Inhabitants of the neighbouring Governments of New-England, by Specialty or otherwise, that may be discharged by the Bills of publick Credit on this Province, shall be sued, or have his Person or Estate taken by mean Process, or in Execution, where such Debtor shall tender the Payment of his just Debt in such Bills of publick Credit on that Government to which his Creditor belongs, as were emitted before the Twenty fifth of March last, but such Creditor shall be obliged to accept the same, or be for ever barred from any further Demands of such Debt; unless the Creditor shall make Oath that the Debtor, *Bona Fide*, received, in Consideration of the Debt sued for, Bills of Credit on this Province, either in whole or in part; in which Case the Debtor shall pay the same proportionably in such Province Bills.

C H A P. XVIII.

An Act in addition to an Act made in the eleventh Year of His Majesty's Reign, intituled, *An Act to enable the Proprietors of the several Townships lately granted by the General Court, to raise Moneys for defraying the Charges of settling the same.*

Preamble

WHEREAS in and by said Act Provision is only made for the enforcing the Payment of such Sum or Sums of Money as shall be from Time to Time hereafter voted to be raised, which not being sufficient to answer or effect the End proposed;

Lands of delinquent Proprietors in the new Towns to be Sold for paying Taxes.

Be it therefore enacted by his Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That when any Grantee or Proprietor of such new Plantation or Township, which is already or that shall hereafter be granted, where the Conditions of the Grant are not fulfilled, shall neglect or delay to pay unto the Treasurer or Committee of such Township, such Sum or Sums of Money as by the Proprietors thereof have heretofore been voted to be raised, as well as those that hereafter shall be voted to be raised upon their Lands or Rights, for Thirty Days after such Rate or Tax is made or published as in and by said Act is directed, and the Sale be notified in the *Boston Gazette* Twenty Days before the same be made; The Committee chosen by such new Plantation or Township, or the major Part thereof, are hereby fully impowered to proceed in the Sale of such delinquent Proprietors Lands, as in and by said Act is already made and provided.

CHAP.

Supply of the Treasury.

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CHAP. XIX.

An Act for issuing out of the Treasury the Sum of *Three Thousand five Hundred & thirty-eight Pounds ten Shillings & three Pence*, in Bills of the New Form and Tenour, the Surplus in said Bills now remaining in the Hands of the Treasurer, being the Ballance or Remains of sundry Appropriations formerly made at sundry Times by this Court, and then reserv'd for their further Order; And also for establishing the Wages of sundry Persons, &c. in the Service of the Province.

**BE** it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That the Wages of the Caprain of Castle *William* shall be after the Rate of *Four pounds four shillings and eight pence* per Month, from November the twentieth, One thousand seven hundred and thirty-eight, to May the twentieth, One thousand seven hundred and thirty nine; of the Lieutenant for that Term, *Two pounds eleven shillings and four pence* per Month; of the Chaplain, *two pounds one shilling* per Month; of the Gunner, *One pound ten shillings and nine pence* per Month; of the Gunner's Mate, *One pound six shillings and eight pence* per Month; of the Serjeant, *Seventeen shillings and ten pence* per Month; of six quarter Gunners, each, *Seventeen shillings and ten pence* per Month; of three Corporals, each, *Sixteen shillings* per Month; of a Drummer, *Sixteen shillings* per Month; of Thirty Centinels, each, *Thirteen shillings and four pence* per Month; For their Subsistence, *Five shillings and ten pence* per Week each Man.

Establishment of Wages for Castle William.

**And** be it further enacted by the Authority aforesaid,

That the Wages of the Captain of *Richmond Fort*, from the Twentieth of November, One thousand seven hundred and thirty eight, to May the Twentieth, One thousand seven hundred and thirty-nine, shall be at the Rate of *One pound six shillings and eight pence* per Month; and of ten Centinels, each, *Thirteen shillings and four pence* per Month; of one Interpreter, *Two pounds* per Month; of one Armourer, *Two pounds* per Month; one Truck-Master at the Rate of *Forty pounds* per Annum; and for the Chaplain there, *Thirty three pounds six shillings and eight pence* per Annum.

Richmond Fort

**And** be it further enacted by the Authority aforesaid,

That the Wages of the Captain of the Truck-House on *George's River*, from the Twentieth of November, One thousand seven hundred and thirty-eight, to May the Twentieth, One thousand seven hundred and thirty-nine, shall be at the Rate of *One pound six shillings and eight pence* per Month; of one Lieutenant, *Seventeen shillings and ten pence* per Month; of one Serjeant, *Seventeen shillings and ten pence* per Month; of two Corporals, each, *Sixteen shillings* per Month; of sixteen Centinels, each, *Thirteen shillings and four pence* per Month; of one Armourer, *Two pounds* per Month; of one Interpreter, *Two pounds* per Month; of one Truck-Master, after the Rate of *Forty pounds* per Annum; and to the Chaplain there, after the Rate of *Thirty three pounds six shillings and eight pence* per Annum.

Truck-House at George's River.

Brunswick Fort

**And be it further enacted by the Authority aforesaid,**

That the Wages of the commanding Officer of the Fort at *Brunswick*, from the Twentieth of *November*, One thousand seven hundred and thirty eight, to *May* the Twentieth, One thousand seven hundred and thirty-nine, shall be *Seventeen shillings and ten pence per Month*; of six Centinels, each, *Thirteen shillings and four pence per Month*.

**And be it further enacted by the Authority aforesaid,**

Truck House  
above North-  
field.

That the Wages of the Captain of the Truck-House above *Northfield*, from the Twentieth of *November*, one thousand seven hundred and thirty-eight, to *May* the Twentieth, one thousand seven hundred and thirty-nine, shall be at the Rate of *One pound six shillings and eight pence per Month*; of one Lieutenant, *seventeen shillings and ten pence per Month*; of one Serjeant, *seventeen shillings and ten pence per Month*; of one Corporal, *sixteen shillings per Month*; of sixteen Centinels, each, *Thirteen shillings and four pence per Month*; the Truck-Master, at the Rate of *Thirty three pounds six shillings and eight pence per Annum*; of the Chaplain there, at the Rate of *Thirty three pounds six shillings and eight pence per Annum*; and that there be allowed for the Subsistence of each Man, *Three shillings and four pence per Week*.

**And be it further enacted by the Authority aforesaid,**

Truck House  
at Saco River.

That the Wages of the Captain of the Truck-House at *Saco*, from the Twentieth of *November*, one thousand seven hundred and thirty-eight, to *May* the Twentieth, one thousand seven hundred and thirty nine, shall be at the Rate of *One pound six shillings and eight pence per Month*; of one Lieutenant, *seventeen shillings and ten pence per Month*; of one Corporal, *Sixteen shillings per Month*; of thirteen Centinels, each, *Thirteen shillings and four pence per Month*; of one Armourer, *Two pounds per Month*; of one Interpreter, *Two pounds per Month*; of the Truck-Master, at the Rate of *Forty pounds per Annum*.

**And be it further enacted by the Authority aforesaid,**

Country's  
Sloop.

That the Wages of the Captain of the Sloop in the Country's Service, from the Twentieth of *November*, one thousand seven hundred and thirty-eight, to *May* the Twentieth, one thousand seven hundred and thirty-nine, shall be at the Rate of *Two pounds per Month*; of the Mate, *One pound six shillings and eight pence per Month*; of the Sailors, at *Twenty shillings per Month* each; For the Sloop *Six pounds thirteen shillings and four pence per Month*.

**And be it further enacted by the Authority aforesaid,**

Oath to be  
made to the  
Muster-Roll:

That before payment of any Muster-Roll be allowed, Oath be made by the Officer or Person presenting such Roll, that the Officers and Soldiers borne on said Roll, have been in actual Service for the whole Time they stand entered thereon.

**And be it further enacted by the Authority aforesaid,**

l. 3538. to s.  
& 3d in Bills  
of the new  
Tenour to be  
issued.

That the Treasurer be & hereby is impowered and ordered to issue forth and emit the said Sum of *Three thousand five hundred thirty eight pounds ten shillings and three pence* in Bills of Credit of this Province of the new Tenour, now lying in his Hands, received in by Taxes, Excise, &c. being the Surplusage of sundry Appropriations in former Supplies, and then reserved for further Order of this Court, which shall be employed for the necessary Support and Defence of the Government, and for the Protection and Preservation of the Inhabitants thereof, viz. the Sum of *One thousand three hundred and thirty four pounds*

Supply of the Treasury.

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one shilling and nine pence, Part of the aforesaid Sum of Three thousand five hundred and thirty eight pounds ten shillings and three pence, to be applied to pay the Wages that now are, or that hereafter may be due, by Virtue of the Establishment of Castle William, Richmond Fort, Georges Truck-house, Saco Truck-house, Brunswick Fort, the Block-house above Northfield, and the Sloop in the Country's Service; and One thousand three hundred and forty six pounds more, Part of the aforesaid Sum of Three thousand five hundred and thirty eight pounds ten shillings and three pence, shall be applied for the Payment of such Grants as are or shall be made by this Court, and for the Payment of Stipends, Bounties and Præmiums established by Law, and for the Payment of all other Matters and Things, which this Court have, or shall, either by Law or Orders, provide for the Payment of, out of the publick Treasury, and for no other Purpose whatsoever. And the Sum of Seven hundred and seventy five pounds eight shillings and six pence part of the said Sum of Three thousand five hundred and thirty eight pounds ten shillings and three pence, shall be applied for the Discharge of other Debts owing from this Province to Persons who have served, or shall serve them, by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for such Service; and for Paper, Printing and Writing for this Court, the Expences of Committees of Council, or of the House, or of both Houses, Entertainment of Indians, and Presents made them by this Court, the Surgeons of Castle William, and Wooding of said Castle.

l. 1334 1s. & 9d appropriated for the Garrisons &c.

l. 1346 for the Payment of Grants of Court, Stipends, Bounties, Præmiums, &c.

l. 775 8s. & 6d. for the Payment of Debts, &c.

AND whereas there are sometimes publick Entertainments, and from Time to Time contingent and unforeseen Charges, that demand prompt Payment;

**Be it further enacted,** That Eighty three pounds, Part of the aforesaid Sum of Three thousand five hundred thirty eight pounds ten shillings and three pence, be applied to defray and pay such Entertainments and contingent Charges, and for no other Use whatsoever.

l. 83 for contingent Charges.

**And be it further enacted by the Authority aforesaid;** That if there be a Surplusage in any Sum appropriated, such Surplusage shall lye in the Treasury for the further Order of this Court.

Surplusage to lye for further Order.

**And be it further enacted by the Authority aforesaid,** That each and every Warrant for drawing Money out of the Treasury, shall direct the Treasurer to take the same out of such Sums as are respectively appropriated for the Payment of such publick Debts as the Draughts are made to Discharge. And the Treasurer is hereby directed and ordered to pay such Money out of such Appropriations as directed to, and no other; upon Pain of Refunding all such Sum or Sums as he shall otherwise pay: And to keep exact and distinct Accompts of all Payments made out of such appropriated Sums; And that the Secretary, to whom it belongs to keep the Muster-Rolls and Accompts of Charge, be directed to lay before the House, all such Muster-Rolls and Accompts, when desired, after Payment thereof.

Warrants to express the Appropriation.

**And be it further enacted by the Authority aforesaid,** That if it shall happen that any of the Bills of the new Tenor and Form, by this Act to be emitted, shall be outstanding, and not paid in for Taxes, &c. unto the Constables or Collectors of the publick Taxes, or to the Treasurer or other Receivers of publick Duties, that whosoever shall have any such Bills in his Hands or Possession, may, at any Time after the last Day of December, which will be in the Year of our Lord, One thousand seven hundred and forty two, bring them to the Treasurer, and receive in Exchange for every Six shillings and eight pence of said Bills, one Ounce of Silver, or the like Value in Gold; and proportionably for a greater or lesser Sum: And the Treasurer is hereby ordered to exchange them accordingly.

Bills outstanding after Decemb. 1742 to be paid off in Silver or Gold.

CHAP.

CHAP. XX.

An Act providing more effectually for bringing the outstanding Bills of the Sixty Thousand Pounds Loan into the Treasury, ordered to be emitted in the Year 1727.

**Preamble.** WHEREAS a considerable Part of the Bills of the said Sixty Thousand Pounds Loan, issued out of the Treasury, and distributed to the several Towns within this Province, according to an Act made and pass'd in the first Year of His Majesty's Reign, remain still outstanding, although the whole thereof, with the Interest due thereon, ought by Law to have been paid into the Treasury in the Month of May last :

For the more effectual and speedy bringing in the same into the Treasury again ;

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

Such Towns as neglect to pay their Proportion of the 60000 Loan by the first of Novemb. 1739 are to be assessed.

Method of the Assessment.

That in Case any of the Towns neglect, by their Trustees or otherwise, to pay into the Province Treasury the whole Sum of Principal and Interest, due from them on such Loan, on or before the first Day of November next, the Treasurer of this Province be and hereby is authorized, directed and required, to send out his Warrants to the Select-Men or Assessors of each Town, which shall have neglected to make Payment as aforesaid, requiring them forthwith, upon Receipt of the Treasurer's Warrants, to assess upon the Inhabitants of such Town, their Polls and Estates, both Real and Personal, such Sum and Part of said Loan, together with the Interest thereof, as shall be due from them : And in apportioning such Assessments, they shall follow the same Rules that are prescribed in the Tax Act then immediately preceeding : Likewise requiring the Assessors to make a fair List of said Assessment, according to the Direction in said Tax Act ; and the List or Lists so perfected and signed by them, or the major Part of them, to commit to the Collectors, Constable or Constables of such Town, and to return a Certificate of the Name or Names of such Collector, Constable or Constables, together with the Sum Total to each of them respectively committed, unto himself, sometime before the first Day of February following. And the Treasurer for the Time being, upon the Receipt of such Certificate, is hereby empowered & ordered to issue forth his Warrants to the Collectors, Constable or Constables of such Town or District, requiring him or them respectively to collect the whole of each respective Sum assessed as aforesaid, on each particular Person, and to pay in their Collection and issue the Accompts of the whole, on or before the first Day of May next ensuing.

CHAP. XXI.

An Act for the more effectual obliging of Executors to Inventory the Estate of their Testators.

**Preamble.** WHEREAS notwithstanding the Provision by Law heretofore made, Executors many times refuse to Inventory the Estate of their Testators, to the great Disadvantage and Injury of the Creditors and Legatees of the Deceased :

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That every Executor that hath or shall take that Charge upon him, and against the Tenor of the Law in that Case provided, shall hereafter neglect to give in a full and true Inventory of the whole Estate of the deceased, so far as is then come to his Hands or Knowledge, being duly served with a Citation from the Judge of Probate to that Purpose, shall stand chargeable with all the Debts and Legacies of his Testator, as his own proper Debts; and over and above the Penalty already provided, shall forfeit the Sum of *One Hundred Pounds* a Month, for every Months neglect thereof; to be recovered by any uncertain or residuary Legatee of the said Testator, by Action of Debt, Bill, Plaint or Information in any Court of Record, and to be equally divided between the said uncertain and residuary Legatees, excluding such Executor from any Part thereof.

Executors to give in an Inventory.

Penalty of 1.100 for each Months neglect.

C H A P. XXII.

An Act in further addition to an Act intituled, *An Act for the due Regulation of Weights and Measures*, made in the fourth Year of the Reign of their late Majesties King William and Queen Mary.

4 W. & M. ca. 14. 12 W. ca. 14. 4 A. ca. 2. 4 G. ca. 23.

Be it enacted by his Excellency the Governour, Council & Representatives in General Court assembled, and by the Authority of the same,

That each Town within this Province shall within six Months next after the Publication of this Act, be further provided with one Wine Gallon and one Wine Quart, to be kept and used only as Standards in such Towns. And the Select Men of every such Town, whose Standards of Beams, Weights and Measures have not within three Years last past been tried and proved by the Province Standards, shall on or before the first Day of June next, send all the Peams, Weights and Measures, which such Town is, either by this or any former Act, obliged to keep as Standards, into the Province Treasury, and there have them tried, proved and sealed as the Law directs, on Penalty of forfeiting the Sum of *Fifty Pounds*; one Moiety to his Majesty towards the Support of the Government within this Province, and the other Half to him or them who shall inform and sue for the same. And every Town shall once in every five Years have their Standards tried and proved by the publick Standards, on Penalty of forfeiting the like Sum of *Fifty Pounds* for the Uses aforementioned. The Forfeitures and Penalties aforementioned to be recovered by Action, Bill, Plaint or Information, in any of his Majesty's Courts of Record within this Province, or by Presentment of the Grand Jury, who are required to present all Breaches of this Act.

Towns to be furnished with Wine Measures.

Standards of Weights and Measures to be tried anew

Penalty.

Provided always, That in Case the Justices of the Peace at their Sessions in either of the Counties within Province, shall at the Charge of such County procure for Standards, a Beam and all such Weights and Measures, as are directed by Law to be kept in the Province Treasury, and shall once

Proviso for County Standards.

**Weights and Measures.**

every five Years try and prove them by the Province Standards, any Town may have their Standards tryed and proved by the Standards of the County wherein such Towns lye, and it shall be accounted as sufficient and valid as if tryed and proved by the Province Standards. The said Standards to be kept by the County Treasurer, who shall have the same Fee for proving and sealing Weights and Measures as is by Law allowed to the Province Treasurer.

**And be it enacted by the Authority aforesaid,**

**Town Sealers** That the Sealer duly appointed in each Town within this Province from Time to Time, is hereby directed and impowered, instead of sending out his Warrant in the Month of *April*, to send forth his Warrant sometime in the Month of *May* annually to the Constable or Constables, requiring him or them to warn all the Inhabitants of such Towns, to bring in both the great and small Beams, Weights and Measures, which they make use of, at such Time and Place as he shall appoint. And such Constables are hereby obliged within six Days, after having received such Warrant, to warn all the Inhabitants, and return to the Sealers a List of all Persons so summoned.

**Penalty for Sealers or Constables Neglect.** AND each Sealer and Constable neglecting his Duty herein, shall for each Neglect forfeit and pay the Sum of *Forty Shillings*, to be levied by Distress by Warrant from any Justice of the Peace of the County where the Offence is committed.

**And be it further enacted by the Authority aforesaid,**

**Penalty for not bringing in Weights and Measures to be sealed.** That if any Person shall refuse or neglect to bring or send in his Beams, Weights and Measures to the Sealers, in order to be tryed and proved by the Town Standard, for the Space of seven Days next after legal Warning has been given such Person for that Purpose, every Person so offending shall forfeit and pay the Sum of *Forty Shillings*; one Moiety thereof to the Poor of the Town where such Offence shall be committed, and the other Moiety to the Sealer, who is hereby obliged to inform and sue for the same; to be heard and determined by one or more of his Majesty's Justices of the Peace of the County where the Offence shall be committed.

AND whereas it hath been found that the Fees already allowed by Law to the Sealers of Weights and Measures are insufficient;

**Additional Fees to the Sealer.**

**Be it enacted by the Authority aforesaid,** That every Sealer shall be paid by the Owners of all such Beams, Weights, Scales and Measures, as shall be by said Sealer found not conformable to the Town Standard, *One Penny* over and above what is already allowed by Law, for each Beam, Weight and Measure, and also *One Penny* for every Beam, Weight and Measure which shall be found conformable to the Town Standard upon his trying and proving them.

**And be it further enacted by the Authority aforesaid,**

**Fine for exposing to sale Weights, Beams and Measures not sealed.** That if any Persons shall, after the Publication of this Act, Sell or expose to Sale any other Beams, Weights or Measures, than such as have been tryed, proved and sealed according to Law, shall forfeit and pay the Sum of *Forty Shillings* for each Offence, for the Uses as last before mentioned, and to be heard and determined by one or more of his Majesty's Justices of the Peace.

**And**

**Sheriffs to disperse Proclamations for Prorogation, &c. 681**

**And it is hereby further Ordered and Declared,** Acts about  
Weights and  
Measures to  
be read in  
the March  
Meetings.  
That the several Acts for regulating Weights and Measures, be publickly read in each Town at their anniversary Meeting in *March*, from Time to Time.

C H A P. XXIII.

**An Act to prevent the unnecessary Journeying of the Members of the General Court.**

*WHEREAS* of late there has been too great Neglect in the Sheriffs in not taking due Care seasonably to disperse to and among the several Towns, the Proclamations for Proroguing and Dissolving the Great and General Courts or Assemblies, whereby many of the Members of said Court have been put to unreasonable Trouble and Expence : Preamble.

For Remedy whereof ;

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,** Sheriff of  
Suffolk to  
transmit Pro-  
clamations  
to the other  
Sheriffs.  
That the Secretary shall from henceforth immediately after any such Prorogation or Dissolution of the Great and General Court or Assembly, cause a sufficient Number of the said Proclamations (the same being first printed off) to be safely conveyed and delivered to the Sheriff of the County of *Suffolk* ; who upon Receipt thereof shall forthwith take Care that the several Towns within his Precinct be served with the same ; and shall likewise use the best Method he can that the several Sheriffs within this Province have each of them so many of the said Proclamations as may be needful for the several Towns within their respective Counties ; who are hereby alike enjoyned, upon the Receipt thereof, effectually to disperse the same to every of the Towns for the Ends aforesaid. And every Sheriff shall be allowed and paid for his Trouble and Charge in sending out the aforesaid Proclamations, out of the Treasuries of the said Counties respectively, what shall be adjudged reasonable by the respective Courts of General Sessions of the Peace ; the Sheriff of the County of *Suffolk* to be paid for transmitting the Proclamations to the other Sheriffs within this Province out of the publick Treasury. And every Sheriff neglecting his Duty in any of the Particulars aforementioned, shall forfeit and pay the Sum of *Ten Pounds*, to be recovered by Bill, Plaint or Information, in any of his Majesty's Courts of Record, the one half to be for and towards the Support of the Government, and the other half to him or them that shall inform and sue for the same. Sheriffs to  
disperse the  
Proclamations  
in their  
Counties.  
This Act to continue and be in force for the Space of Five Years, and no longer. Penalty for  
Neglect,  
Limitation.

C H A P. XXIV.

**An Act in further Addition to, and Explanation of the Act, entitled, An Act for regulating Townships, Choice of Town-Officers, &c:**

*WHEREAS* in and by an Act made in the Fourth Year of the Reign of King *WILLIAM* and Queen *MARY*, intituled, An Act for regulating of Townships, Preamble.

# Choice of Town-Officers.

ships, Choice of Town-Officers, and setting forth their Power, the Freeholders and Inhabitants of each Town, who are rateable at Twenty Pounds Estate to one single Rate besides the Poll, are impowered to assemble and to give their Votes in the Choice of Town-Officers in the Month of March annually, but no Rule of Valuation is therein prescribed, whereby such Estate (qualifying to vote as aforesaid) shall be estimated; nor is it declared, whether the like Estate shall qualify a Voter in other Town Affairs; And there being no Law of this Province expressly setting forth and ascertaining the Qualifications of Voters in Precincts and Parishes; by reason of which many Doubts and Controversies have arisen;

For preventing whereof for the future;

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

Qualifications of Voters in Town and Precinct Meetings.

That henceforward no Person shall be deemed duly qualified, or be admitted to vote in the Choice of Officers, or in the other Affairs to be transacted, at any Meeting of the Town, Precinct or Parish where he dwells, but such only who are personally present at such Meeting, and have a rateable Estate in such Town or District (besides the Poll) amounting to the Value of *Twenty Pounds*, by the following Method of Estimation; viz. Real Estate to be set at so much only as the Rents or Income thereof, for the Space of six Years, would amount to, were it let at a reasonable Rate; and Personal Estate and Faculty to be estimated according to the Rule of Valuation prescribed in the Act, from Time to Time, made for apportioning and assessing publick Taxes.

Method for determining Disputes as to the Qualification of Voters.

**And be it further enacted by the Authority aforesaid,**

That when any Dispute shall arise respecting the Qualifications of any Person offering his Vote in any such publick Meeting, the same shall be determined by the Moderator of such Meeting, according to the List and Valuation of Estates and Faculties of Persons in such Town or District last made by Assessors under Oath; and if it thereby appear that such Person is not qualified, as by this Act is provided, his Vote shall not be received. *Provided*, That the Value of Lands leased, shall not be reckoned to qualify the Ter-Tenant, but to qualify the Lessor, if he be an Inhabitant in such Town, Precinct or Parish. *Provided also*, That when such Dispute shall happen to arise in any Town, Precinct or Parish Meeting, before a Moderator shall be chosen, in such Case the major Part of the Select Men then present, or of the Precinct or Parish Committee, shall respectively determine the same in manner as aforesaid. And the Assessors of each Town and District are hereby required to lodge with the Clerk of their respective Towns and Districts, an attested Copy of such their List and Valuation from Year to Year, which he shall produce for the Purpose aforesaid as there shall be occasion. And every Assessor (belonging to such Town or Precinct where the Inhabitants are not usually doomed) neglecting his Duty herein, shall forfeit and pay the Sum of *Forty Shillings*, to be recovered before any of his Majesty's Justices of the Peace of the same County.

Fine for a Moderator allowing unqualified Persons to vote.

**And be it further enacted by the Authority aforesaid,**

That if the Moderator of any such Meeting shall countenance and permit any Person, not qualified as aforesaid, (whose Qualification for Voting has been called in question) to give his Voice in any such Meeting, he shall forfeit and pay the Sum of *Five Pounds*. And whosoever shall presume to put

## Importation of Negroes.

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put in more than one Vote at a Time shall forfeit and pay the Sum of Five Pounds. One Moiety of the said Forfeitures to be for the Use of the Poor of the Town where the Offence shall be committed, and the other Moiety to him or them that shall inform or sue for the same in any of His Majesty's Courts of Record.

AND whereas several Towns in the Province do not give in an exact Account of their rateable Estate, and so the Assessors are obliged to doom the Inhabitants according to the best of their Skill and Judgment, whereby the Qualification of Voters in such Places may be more difficult to come at; Wherefore,

Preamble,

Be it enacted by the Authority aforesaid, That where a full Invoice and Valuation of the rateable Estates in any Town or District is not taken, and the Assessors on Oath do doom the Inhabitants, those Persons only shall be allowed to Vote, who are rated two third Parts so much for their Estates and Faculties as for one single Poll, in the last Tax of such Town or District respectively.

Voters Qualifications where the Inhabitants are doomed.

Provided always, That nothing in this Act shall be interpreted to exclude any Persons from the Privilege of Voting in the Choice of Representatives, who are duly qualified therefor according to the ROYAL CHARTER.

This Act to continue for the Space of three Years, and no longer.

Limitation;

### CHAP. XXV.

An Act more effectually to secure the Duty on the Importation of Negroes.

WHEREAS the Payment of the Duty of Four Pounds per Head, laid upon Negroes imported into this Province, is often evaded by bringing them in a clandestine manner:

Preamble,

For Remedy whereof;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

Masters of Vessels to give in a List of Negroes.

That henceforth the Master of any Ship or Vessel whatsoever, that shall bring into this Province any Negro or Negroes, shall be obliged to give in upon Oath, a true Account or List of the Negroes he has on board or brought with him, on Penalty of One hundred Pounds for Failure therein, or for giving a false List, besides the Duty of Four Pounds per Head, already provided for by Law.

Penalty.

AND whereas Negroes are frequently landed in the neighbouring Provinces or Colonies, and brought thence into this Province in order to save the Duty;

Be it enacted by the Authority aforesaid, That whosoever shall purchase or bring into any Town of this Province, as aforesaid, any Negro or Negroes, for which the Duty has not been already paid within this Province, shall be obliged within fourteen Days after the said Negroes being so brought in, to make an Entry with the Clerk of the Town where the said Negro shall be brought, and to pay the Duty of Four Pounds per Head to the said Clerk, to be by him transmitted to the Commissioner of Impost in Boston, on Penalty of Eight Pounds, to be paid for each Negro not entred as is hereby required, to be recovered by Action, Bill, Plaint or Information in any of His Majesty's Courts of Record, by the said Town Clerks respectively; one Half thereof to his Majesty for the Use of this Province, one Fourth to the Town Clerk, who shall sue for and recover the same, and one Fourth to the Poor of the Town where the Forfeiture is made. Provided, The Prosecution be within twelve Months after the bringing in of such Negro or Negroes.

Penalty for bringing in Negroes by Land, and not entering them.

6 X

And

Draw-back  
for Negroes  
that dy, &c.

Limitation.

**And be it further enacted,** That from and after the Publication of this Act, the Duty paid for any Negroes who shall die within the Space of six Months from the Time of their Importation, shall be drawn back by the Owner of such Negroes.

This Act to continue in Force for the Space of ten Years, and no longer.

C H A P. XXVI.

**An Act for erecting a Township in the County of York by the Name of Brunswick.**

Preamble.

**W**HEREAS there is a competent Number of Inhabitants already settled upon a Tract of Land lying within the County of York, hitherto called and known by the Name of Brunswick, containing the Quantity of about six Miles square, and lying convenient for a Township; and whereas said Inhabitants have humbly petitioned this Court that in order to provide a suitable Maintenance for the Minister settled among them, they may be erected into a Township, and vested with the Powers and Authorities belonging to the other Towns:

Therefore for Encouragement of said Settlement;

A new Town  
constituted  
by the Name  
of Brunswick.

Bounds of  
said Town  
described.

**Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,**

That the said Tract of Land described, in a Plat now returned to this Court, as follows, Beginning at the Mouth of a Brook or Rivulet called *Bungamunganock*, running into *Maquoit Bay*, where it touches upon *North-Yarmouth Line*, and from the Mouth of said Brook to run upon a Course North North-West half Westerly five Miles into the Wilderness, leaving a Wedge or Strip of Land between said Line and *North Yarmouth*, and from thence upon a Course North East four Miles to the second Falls of *Amascoggin* alias *Androscoggin River*, from thence down said River by *Fort George*, and down *Merry-Meeting-Bay* so far as *Stephens's Carrying-Place*, including several small Islets lying in said River above said Carrying-Place, and over said Carrying-Place to the Head of the Creek or River that runs up to the other Side of the said Carrying-Place, thence down said Creek or River to the Mouth thereof, including an Island therein, and from the Mouth of said River to run by the Water Side South Westerly to the South West Point of a Place called the *New Meadows*, thence to strike across the Cove upon a Course North North-West till it meets and intersects the upper End of *Merryconeg Neck*, four Rods above the Narrows of said Neck commonly called the Carrying-Place, thence to run along the Shore to a Neck of Land called *Mare-Point*, about a Mile and a Quarter down said Neck, thence to cross over said *Mare-Point* and *Maquoit Bay* upon a Course North-West till it comes to the Place first above mentioned; be and henceforth shall be a Township, to be called *Brunswick*; and the Inhabitants thereof shall have and enjoy all such Immunities, Privileges and Powers as generally other Towns in this Province have and do by Law enjoy.

[ The last Fourteen Acts were Publish'd, January 27. 1738,9. ]

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B O S T O N :

Printed by *John Draper*, Printer to His Excellency the GOVERNOUR and COUNCIL.

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